

INSTRUCTIONS

Read all forms and instructions before starting. Fill out forms by printing in blue ink or typing. Do not fill in un-numbered blanks on forms. This packet refers to the alleged father as “Father”. You are the “Petitioner”. The other party is the “Respondent”.

Arizona Rules of Family Law Procedure: The Arizona Rules of Family Law Procedure describe the procedures and forms required in family law cases. You can read the Rules at the Law Library or online at www.supreme.state.az.us/rules/ramd_pdf/R-05-0008.pdf.

WARNING: Depending on the circumstances of your case, the Arizona Rules of Family Law Procedure may require you to complete procedures and forms not covered in this packet. You are required to read and follow all of the rules. If you do not, the court may impose sanctions on you. At a minimum, you must read and understand Section II, on Pleadings and Motions, Section VII, on Discovery and Disclosure, and Rule 92, on Civil Contempt and Sanctions for Non-Compliance with a Court Order.

Seeing an Attorney: It is always advisable to see an attorney to protect your legal rights and understand your legal responsibilities. An attorney can explain your complex options for custody and dividing tax dependency exemptions and advise you on what’s best for you and your family.

Notaries: Some forms must be signed in front of a notary. Notaries are at most banks or listed in the Yellow Pages. The person signing must bring photo ID. Notaries usually charge a fee.

Filing Fee: To find the fee to file court papers, see the Self-Help Center packet *Superior Court Filing Fees* or call the Clerk’s Office at 928-779-6535. The Clerk’s Office accepts only cash, money orders, and cashier’s checks payable to “Clerk of Superior Court”. If you can’t afford the fee, see the Self-Help Center packet *Filing Fee Deferral at the Start of Your Case*.

Filing Forms with the Court: Take or mail forms to be filed to the Clerk of Superior Court, 200 N. San Francisco St., Flagstaff, AZ 86001. Submit the original, one copy for yourself, and one copy for each person you must give a copy to. The Clerk will stamp your copies with the filing date and return them to you. If you file by mail, include a self-addressed, stamped envelope and a note asking the Clerk to return the copies.

Domestic Violence: If the other party has committed or threatened to commit physical violence against you or your children, and you do not want the other party to know your address: 1) use a post office box on all your court forms or 2) see Rule 7, Arizona Rules of Family Law Procedure. See the Self-Help Center *Arizona Order of Protection Packet* if you need a court to order the other party to stay away from you.

Getting Copies of Birth Certificates: Usually you can get copies of birth certificates from the Department of Vital Records in the state where the children were born. The Arizona Office of Vital Records is at 888-816-5907 or P.O. Box 3887, Phoenix, AZ 85030. Contact information for other states’ Vital Records is online at www.azdhs.gov/vitalrctd/states.htm.

STEP 1: DETERMINE IF THE CHILDREN'S PATERNITY HAS BEEN LEGALLY ESTABLISHED

Paternity has been legally established if either of the following is true.

1. A court order names Father as the children's father.
2. Mother and Father signed an Acknowledgment of Paternity through the Hospital Paternity Program or other means provided by law after July 18, 1996, and a birth certificate listing Father as the father was issued as a result.

STEP 2: READ THE CONCILIATION COURT FACT SHEET

If you want to apply for counseling or mediation, see the Self-Help Center packet *Conciliation Court: Asking for Counseling or Mediation Services Before You Get a Court Order*.

STEP 3: READ THE NOTICE ON PARENT INFORMATION CLASS

STEP 4: DECIDE ON CUSTODY AND PARENTING TIME

You will enter the custody and parenting time you want on the Petition.

Joint Legal Custody: Both parents must want joint custody and agree on all major issues regarding parenting time, education, religion, and medical decisions. The court will not order joint custody if the court determines there has been significant domestic violence. Joint legal custody does not necessarily mean equal parenting time and does not diminish either parent's responsibility to pay child support.

Sole Legal Custody: The parent with sole custody will make the major decisions in the children's lives. Parents still must exchange health care, school, and other important information about the children, and the parent without sole custody can usually get the information directly from the medical providers and schools.

Parenting Time (Visitation): For both joint and sole custody, use the MODEL PARENTING TIME PLANS in this packet to develop a parenting time plan appropriate for your family. If unsupervised parenting time would seriously endanger the children, you may request supervised or no parenting time for the other parent. There must be good reasons for these extreme restrictions, such as sexual crimes, child abuse or domestic violence, persistent drug or alcohol abuse, or serious mental or physical problems that make parenting risky or impossible. If you request supervised parenting time, decide who will supervise and who will pay for the supervision if payment is necessary.

**STEP 5: IF YOU AND THE OTHER PARENT WANT JOINT CUSTODY:
FILL OUT THE PARENTING PLAN JOINT CUSTODY AGREEMENT**

See the INSTRUCTIONS: PARENTING PLAN JOINT CUSTODY AGREEMENT in this packet.

STEP 6: DECIDE HOW TO DIVIDE TAX DEPENDENCY EXEMPTIONS

You will enter how you want to divide your tax dependency exemptions on the Petition.

The court generally will divide these exemptions in proportion to the income on the Child Support Order. If you and the other parent have only one child and about the same income, one parent should take the deduction on even numbered years and the other on odd numbered years. If you have more than one child, each parent may take one child each year and alternate a third or fifth child. If the parent paying child support is not current on all child support by the end of the year, they will forfeit the deduction to the other parent.

Also read about dividing these exemptions in the Arizona Child Support Guidelines in this packet. An accountant can explain the federal law on dividing exemptions.

STEP 7: FILL OUT THE DOMESTIC RELATIONS COVER SHEET

You are the Petitioner. The other parent is the Respondent. Fill in as much information as you know.

STEP 8: FILL OUT THE CONFIDENTIAL SENSITIVE DATA FORM

- (1) Enter your name; street address; city, state, and zip code; and phone number.
- (2) Enter your name.
- (3) Enter the other party's name.
- (4) Enter the name, birthdate, and social security number of yourself, the other party, and each biological or adopted child of you and the other party who is under 18 or 18 and in high school.

STEP 9: FILL OUT THE PARENT'S WORKSHEET FOR CHILD SUPPORT AMOUNT

See the INSTRUCTIONS: PARENT'S WORKSHEET FOR CHILD SUPPORT AMOUNT and ARIZONA CHILD SUPPORT GUIDELINES in this packet.

STEP 10: FILL OUT THE CHILD SUPPORT ORDER

- (1) Enter your name; street address; city, state, and zip code; and phone number.
- (2) Enter Petitioner's name and birthdate.
- (3) Enter Respondent's name and birthdate.
- (4) Enter the case number if you have one.
- (5) If you're asking the court to change child support or stop or change a wage assignment, enter your ATLAS number.
- (6) Enter the mother's name, father's name, and each child's name and birthdate.

STEP 11: FILL OUT THE ORDER OF ASSIGNMENT

- (1) Enter your name; street address; city, state, and zip code; and phone number.
- (2) Enter Petitioner's name.
- (3) Enter Respondent's name.
- (4) Enter the case number if you have one.
- (5) If you're asking the court to change child support or stop or change a wage assignment, enter your ATLAS number.
- (6) Enter the name and Social Security Number of the parent who is to pay child support.

STEP 12: FILL OUT THE CURRENT EMPLOYER INFORMATION FORM

- (1) Enter the case number if you have one. If you're asking the court to change child support or stop or change a wage assignment, enter your ATLAS number. Enter the name and Social Security Number of the parent who is to pay child support.
- (2) Enter the payroll address, city, state, zip code, phone number, and fax number of the current or previous employer the Order of Assignment is going to.
- (3) Enter your name and the date.

STEP 13: FILL OUT THE PETITION FOR CHILD CUSTODY, PARENTING TIME, AND CHILD SUPPORT

- (1) Enter your name; street address; city, state, and zip code; and phone number.
- (2) Enter your name, and check the box indicating whether you are Mother or Father.
- (3) Enter the other parent's name, and check the box indicating whether they are Mother or Father.
- (4) If paternity has *not* been legally established, check the box.
- (5) Enter your and the other parent's name; street address; city, state, and zip code; phone number; and birthdate.
- (6) If paternity *has* been legally established, check the box.
- (7) If you have a paternity order, check the box, and attach a copy.
- (8) If you have an Acknowledgment of Paternity from the hospital, check the box, and attach a copy.
- (9) If paternity has *not* been legally established, check the box.
- (10) If paternity has *not* been legally established, and blood test results show at least a 95% probability of paternity, check the box, and attach a copy of the test results.
- (11) If paternity has *not* been legally established, and 1) Mother was married to a Husband other than Father at any time in the ten months before the children were born or 2) the children were born within ten months after Mother was divorced or legally separated from a Husband other than Father, check the box, and enter the Husband's name.
- (12) If paternity has *not* been legally established, and the children's birth certificates list the name of a father other than Father, check the box and enter the name listed.
- (13) For each child for whom you want to establish custody, enter the name and birthdate, and list the addresses where the child lived over the last five years, the years they lived there, and who they lived with.
- (14) Check the box indicating whether you have participated in a court case about the custody or parenting time of any of the children (including dependency and guardianship). If yes, enter the child's name, the case number, the court's name, the date of any child custody determination, and a summary of any court orders. If you don't know all the details, call the court where the case occurred and get the case number and court's address.
- (15) Check the box indicating whether another court case involving any of the children, but not about custody or parenting time, could affect this case, including cases about child support, enforcement of court orders, domestic violence, protective orders, adoption, terminating parental rights, and criminal matters. If yes, enter the child's name, case number, and court name, and check the box indicating what the case is about. If you check "other", explain.
- (16) Check the box indicating whether someone other than you or the other parent has physical custody or claims rights of legal or physical custody or visitation with any of the children. If yes, enter the child's name, other person's name and address, and nature of the claim.
- (17) Check the box indicating whether Arizona Child Support Enforcement has been involved in establishing spousal maintenance for you or the other parent or paternity or child support for any

of the children. If yes, enter the child's name if applicable, the court's name, and the case number.

- (18) If paternity has *not* been legally established, check the box.
- (19) If paternity has *not* been legally established, and you want Father listed as the children's father on their birth certificates, check the box.
- (20) If paternity has *not* been legally established, and you want the children's last name changed to Father's last name, check the box.
- (21) If paternity has *not* been legally established, and you want one parent to pay the other the cost of pregnancy, childbirth, and/or the children's past medical expenses, check the box, check the box indicating which parent should pay, and enter the total based on billing statements. Attach a copy of the billing statements.
- (22) If paternity has *not* been legally established, and you want the other parent to pay you your costs and expenses for this Petition, check the box.
- (23) If paternity has *not* been legally established, and you want the court to order genetic testing, check the box.
- (24) If you and the other parent want joint custody, check the box.
- (25) If you want one parent to have sole custody, check the box. Check the box indicating who should have sole custody.
- (26) If you checked sole custody and you want the non-custodial parent to have parenting time, check the box, and enter the details of the parenting time plan.
- (27) If you checked sole custody and you want restrictions on the parenting time you described above, check the box. Enter why unrestricted parenting time would endanger the children. Enter the name of the person who will supervise parenting time. Enter the restrictions. Check the box indicating whether the cost of supervision will be paid by the parent being supervised, by the custodial parent, or equally by both parents.
- (28) If you checked sole custody and you want the non-custodial parent to have no parenting time, check the box. Enter why parenting time would endanger the children.
- (29) Check the boxes indicating who should pay child support and when you want the child support obligation to begin.
- (30) Check the box indicating who should pay for the children's insurance.
- (31) Enter how you want your income tax dependency exemptions divided.
- (32) Enter any other orders you want the court to issue.
- (33) Read the Petition and make sure that you understand everything in it and that everything in it is true. Sign in front of a notary.

STEP 14: FILL OUT THE DECREE OF CHILD CUSTODY, PARENTING TIME, AND CHILD SUPPORT

- (1) Enter your name; street address; city, state, and zip code; and phone number.
- (2) Enter your name, and check the box indicating whether you are Mother or Father.
- (3) Enter the other parent's name, and check the box indicating whether they are Mother or Father.
- (4) Enter your case number if you already have one.
- (5) If paternity has *not* been legally established, check the box.
- (6) For each child for whom you want to establish custody, enter the name and birthdate.
- (7) If paternity has *not* been legally established, check the box, and enter Father's name.
- (8) If paternity has *not* been legally established, and you want Father listed as the children's father on their birth certificates, check the box.

- (9) If paternity has *not* been legally established, and you want the children's last name changed to Father's last name, check the box, and enter each child's current name, new name, and birthdate.
- (10) If paternity has *not* been legally established, and you want one parent to pay the other the cost of pregnancy, childbirth, and/or the children's past medical expenses, check the box, and check the box indicating which parent should pay. Do not fill in the blanks.
- (11) If paternity has *not* been legally established, and you want the other parent to pay you your costs and expenses for this Petition, check the box. Do not fill in the blanks.
- (12) If you and the other parent want joint custody, check the box.
- (13) If you want one parent to have sole custody, check the box. Check the box indicating who should have sole custody.
- (14) If you checked sole custody and you want the non-custodial parent to have parenting time, check the box, and enter the details of the parenting time plan.
- (15) If you checked sole custody and you want restrictions on the parenting time you described above, check the box. Enter why unrestricted parenting time would endanger the children. Enter the name of the person who will supervise parenting time. Enter the restrictions. Check the box indicating whether the cost of supervision will be paid by the parent being supervised, by the custodial parent, or equally by both parents.
- (16) If you checked sole custody and you want the non-custodial parent to have no parenting time, check the box. Enter why parenting time would endanger the children.
- (17) Check the box indicating who should pay child support. Do not fill in the blank.
- (18) Enter any other orders you want the court to issue.
- (19) Read the Decree and make sure that you understand everything in it and that everything in it is true. Sign in the front of a notary. If the other parent agrees to all the terms of the Decree, they may also sign in front of a notary.

STEP 15: FILL OUT THE SUMMONS

- (1) Enter your name; street address; city, state, and zip code; and phone number.
- (2) Enter your name.
- (3) Enter the other party's name.
- (4) Enter the other party's name.

STEP 16: FILE THE FOLLOWING WITH THE COURT

There is a filing fee for the Petition.

- ☐ Domestic Relations Cover Sheet
- ☐ Petition for Child Custody, Parenting Time, and Child Support, with the following attached:
 - ☐ A copy of each child's birth certificate
- And the following attached if applicable:
 - ☐ A copy of the paternity order
 - ☐ A copy of the Acknowledgment of Paternity from the hospital
 - ☐ A copy of the genetic test results showing at least a 95% probability of paternity
 - ☐ A copy of the billing statements for the cost of pregnancy, childbirth, and the children's past medical expenses
- ☐ Decree of Child Custody and Parenting Time
- ☐ Summons
- ☐ Notice on Parent Information Class

- ☐ Parent Information Class Registration Form (blank)
- ☐ Parenting Plan Joint Custody Agreement, if applicable
- ☐ Parent's Worksheet for Child Support Amount
- ☐ Child Support Order
- ☐ Order of Assignment
- ☐ Current Employer Information

STEP 17: SERVE THE FORMS ON THE OTHER PARENT

See the INSTRUCTIONS: SERVING COURT PAPERS ON THE OTHER PARTY AT THE START OF YOUR CASE in this packet.

Also serve the forms on any presumptive father other than Father. A presumptive father is a man 1) who was married to Mother at any time in the ten months before the child was born or 2) whose name appears on the child's birth certificate.

STEP 18: IF EITHER PARENT IS A CLIENT OF CHILD SUPPORT ENFORCEMENT: DELIVER A COPY OF THE FORMS TO CHILD SUPPORT ENFORCEMENT

Mail or hand-deliver a copy of each form listed above to Assistant Attorney General, Child Support Enforcement, 2323 N. Walgreen St., Ste. 100, Flagstaff, AZ 86004.

STEP 19: IF YOU LIVE IN COCONINO COUNTY BUT NOT IN PAGE: FILL OUT AND MAIL THE PARENT INFORMATION CLASS REGISTRATION FORM

- (1) Enter the case number as it appears on the Petition.
- (2) Check the box indicating whether there is a dispute regarding custody or parenting time.
- (3) Enter the number of children under age 18 listed on the Petition.
- (4) Enter Petitioner's name, address, and home and work phone numbers. Enter Petitioner's attorney's name if Petitioner has one.
- (5) Enter Respondent's name, address, and home and work phone numbers. Enter Respondent's attorney's name if Respondent has one.
- (6) If you want to attend class with the other parent, enter your and the other parent's name.
- (7) If you want to attend class with the other parent, date and sign. If you want to attend separate classes, do not date or sign.

Mail the form to the Guidance Center. Keep a copy for your records. The Guidance Center will notify you and the other parent of the times and dates of your Parent Information Classes.

STEP 20: IF YOU LIVE IN PAGE OR OUTSIDE COCONINO COUNTY: REGISTER FOR A PARENT INFORMATION CLASS

See the NOTICE ON PARENT INFORMATION CLASS in this packet.

STEP 21: WAIT FOR RESPONDENT TO RESPOND

See the table below for how long Respondent has to file a written response to the Petition. Find the date in the “After” column on a calendar. Start counting on the next day. Count off the days in the “Count” column, including weekends and holidays. Respondent must respond by the last date you counted, unless it’s a weekend or court holiday, in which case Respondent must respond by the next workday.

Where Were the Papers Served?	How Were the Papers Served?	Count:	After:
In AZ, not on an Indian Reservation	Acceptance of Service	20 days	The other party signs the Acceptance of Service
	Process Server	20 days	The other party receives the papers from the process server
	Sheriff	20 days	The other party receives the papers from the sheriff
In AZ, on an Indian Reservation*	Acceptance of Service	30 days	The other party signs the Acceptance of Service
	Tribally Licensed Process Server	30 days	The other party receives the papers from the process server
	Tribal Law Enforcement	30 days	The other party receives the papers from the officer
Outside of AZ	Acceptance of Service	30 days	The other party signs the Acceptance of Service
	Certified Mail	30 days	The other party signs the green card
	Process Server	30 days	The other party receives the papers from the process server
	Sheriff or Tribal Law Enforcement	30 days	The other party receives the papers from the officer
I Don’t Know	Publication	30 days	30 days after the first publication

***If the Papers Were Served on an Indian Reservation in Arizona:** Depending on the facts and circumstances of the case, there *may* be fewer days for the Respondent to respond. An attorney can advise you.

STEP 22: DECIDE HOW TO PROCEED

If Respondent Agrees with Everything in the Petition:

Respondent can: Not respond. Respondent may sign the Decree before the hearing to show the court he/she agrees. Respondent will lose the right to object to anything. See an attorney for other options.

Then Petitioner can: File for default. See the Self-Help Center packet *Filing for Default*.

The case will end: At a default hearing (unless Respondent files a Response within the default grace period).

If Respondent Disagrees with Something in the Petition:

Respondent can: File a Response.

Then either party can: Ask the court to schedule a trial if the court does not automatically schedule a hearing. See the Self-Help Center packet *How to Set Your Case for Trial*.

The case will end: At a trial.

If Respondent Fails to Respond on Time:

Petitioner can: File for default. See the Self-Help Center packet *Filing for Default*.

The case will end: At a default hearing (unless Respondent files a Response within the default grace period).

If Petitioner and Respondent Come to an Agreement After Respondent Files a Response:

Both parties can: See the Self-Help Center packet *Stipulation*.

The case will end: At a 15-minute hearing.

If Respondent Does Not File a Response, and Petitioner and Respondent Come to an Agreement Different from the Petition:

Both parties can: Fill out and sign a new Decree. File the new Decree with a note saying it is the most current Decree and both parties signed it.

Then Petitioner can: File for default. See the Self-Help Center packet *Filing for Default*.

The case will end: At a default hearing (unless Respondent files a Response within the default grace period).

**STEP 23: IF RESPONDENT FILES A RESPONSE:
SEE FAMILY LAW RULES 49 AND 66**

If Respondent files a Response, you must meet the requirements of Rule 49, on disclosure, and Rule 66, on alternative dispute resolution, in the Arizona Rules of Family Law Procedure.

**STEP 24: AFTER YOU ATTEND THE PARENT INFORMATION CLASS:
FILE YOUR CERTIFICATE OF COMPLETION WITH THE COURT**

Get a certificate of completion from the class provider when you complete the Parent Information Class, and file it with the court.